

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>(1) MEDLEY MATERIAL HANDLING COMPANY, Inc.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-13-1172-D</b>
	)	
<b>(1) UNIVERSAL UNDERWRITERS INSURANCE COMPANY,</b>	)	<b>Removed from District Court</b>
	)	<b>of Oklahoma County,</b>
	)	<b>Case No. CJ-2013-5458</b>
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441 and § 1446, the Defendant, Universal Underwriters Insurance Company (“UUIIC”), hereby gives notice of removal of this action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma, based upon the following:

1. This case, styled Medley Material Handling Company, Inc. v. Universal Underwriters Insurance Company, was filed on October 2, 2013 in the District Court of Oklahoma County, Oklahoma, bearing civil action number CJ-2013-5458 on the docket of that Court. (See Copy of Docket Sheet attached as Exhibit “1”).

2. The lawsuit is a “civil action” within the meaning of 28 U.S.C. § 1441(a).

3. Removal of this case is based upon diversity of citizenship, 28 U.S.C. § 1332, § 1441, and § 1446(a) and (b).

4. In Plaintiff’s Petition, filed in the District Court of Oklahoma County, State of Oklahoma, Plaintiff, Medley Material Handling Company, Inc., alleges that it “is now

and has been at all times relevant herein a resident of Oklahoma County, State of Oklahoma.” (See Copy of Petition attached as Exhibit “2”).

5. Defendant UUIC is an Illinois corporation with a statutory home office and principal place of business in Schaumburg, Illinois.

6. Plaintiff’s Petition alleges that its “damages may potentially be in excess of the jurisdictional amount of 28 U.S.C. §1332.”

7. Defendant UUIC was served with the Summons and Petition via the Oklahoma Insurance Department. The Oklahoma Insurance Department received the Summons and Petition on October 3, 2013. (See Petition and Return of Service attached as Exhibits “2” and “3”). It is from that Petition that it was first ascertained that this case was removable. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty (30) days of the Oklahoma Insurance Department’s receipt of Plaintiff’s Summons and Petition.

8. Attached hereto and marked as Exhibits “1” through “7” are true and correct copies of all pleadings filed in the underlying civil action pending in the District Court of Oklahoma County.

9. A copy of this Notice of Removal will be promptly filed with the Clerk of the District Court in and for Oklahoma County, Oklahoma, and notice of the removal shall be given to all parties pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, removal of this action to the United States District Court is proper under 28 U.S.C. § 1332, § 1441, and § 1446(a) and (b), because there is complete diversity of citizenship between the Plaintiff, Medley Material Handling Company, Inc., and the Defendant, Universal Underwriters Insurance Company, and the amount in controversy exceeds \$75,000.

Respectfully submitted,

PERRINE, REDEMANN, BERRY, TAYLOR  
& SLOAN, P.L.L.C.

*s/William D. Perrine*

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*Counsel for Defendant,*

*Universal Underwriters Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of November 2013, a true and correct copy of the above and foregoing document was sent by electronic transmission or via U.S. Mail with postage prepaid thereon to the following:

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